

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

CIVIL ACTION NO. 05-10452-REK

CHURCH BROTHERS, LLC

Plaintiff

VS

THE ALPHAS COMPANY, INC.

THE ALPHAS COMPANY OF NEW  
YORK, INC., JOHN S. ALPHAS, and  
PETER ALPHAS

## Defendants

## STIPULATION of DISMISSAL WITH PREJUDICE

Now come the parties and, pursuant to Fed.R.Civ.P. 41(a)(1)(ii), hereby stipulate that this matter be dismissed with prejudice and without costs to any party, and that all rights of appeal are being waived.

Respectfully submitted

Church Brothers, LLC  
By its attorneys

The Alphas Company, Inc.  
The Alphas Company of New York, Inc.  
John S. Alphas  
Peter S. Alphas  
By their attorneys

/s/ Bart M. Botta  
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/s/ Scott L. Machanic  
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 Johnson & Harney, LLP  
 220 N. Main Street  
 Natick, MA 01760  
 (508) 651-7524 236032

236032

CERTIFICATE OF SERVICE

I hereby certify that, by filing the above Stipulation of Dismissal electronically, the Stipulation was served by email upon counsel for the Plaintiff, Valerie Carter, at vcarter@carterdoyle.com.

Signed under the pains and penalties of perjury this 20<sup>th</sup> day of April , 2005.

/s/ Scott L. Machanic  
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